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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,308	04/12/2004	Bcom-Sik Bae	678-1437	2604
66547 7590 08/28/2008 THE FARRELL LAW FIRM, P.C. 333 EARLE OVINGTON BOULEVARD SUITE 701 UNIONDALE, NY 11553				
EXAMINER				
JACKSON, BLANE J				
ART UNIT		PAPER NUMBER		
2618				
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08/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/822,308

Applicant(s)

BAE ET AL.

Examiner

BLANE J. JACKSON

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 4-13 is/are allowed.
6) ☒ Claim(s) 1 is/are rejected.
7) ☒ Claim(s) 2 and 3 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
3) ☐ Information Disclosure Statement(s) (PTO-893)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

With respect to paragraph 0090 of prior art Hsu, the applicant argues that Hsu does not teach receiving, from a new BS, a new BCMCS zone ID that is different from a prestored old BCMCS zone ID while receiving the BCMCS data from an old BS. Note paragraph 0090 is interpreted to disclose that the mobile station monitors the *same BCMCS while idle* and connected to the first, or after being switched to the second BS/sector. In prior paragraph 0089, Hsu introduces soft/ softer handoff where "before the procedure for monitoring the BCMCS data stream (of paragraph 0090), various preparatory signaling must first be effectuated." with a disclosure of a set of three values to completely specify where to find and listen to a given BCMCS at any given base station. It is in paragraph 0091 with "Figure 13 illustrates monitoring by the mobile station 12 of the BCMCS data broadcast by the base transceiver stations. . . during cell switching" that reveals the MS receives both the F-PDCCH and F-PDCH control and data channels from the serving and neighbor base stations during soft handoff. The F-PDCCH control channel includes information fields comprising a mac_id, one of the three service broadcast values, from each BS/ sector of which the MS utilizes to select the handoff sector, see paragraph 0092. This information field received during soft handoff equates to "receiving, from a new BS, a new BCMCS zone ID that is different from a prestored old BCMCS zone ID, while receiving the BCMCS data from an old BS".

Consequently, this interpretation of Hsu is applied in the following rejection of claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Hsu et al. (US 2003/0054807).

As to claim 1, Hsu teaches a method for controlling a Mobile Station (MS) to receive Broadcast/ Multicast Service (BCMCS) data in a mobile communication system including at least one BCMCS controllers and the MS for receiving the BCMCS data through a base station comprising the steps of:

Receiving from a new BS, a new BCMCS zone ID that is different from a pre-stored old BCMCS zone ID while receiving old BCMCS data from an old BS (figure 13, paragraphs 0089, 0091 and 0092, *during soft handoff* and monitoring the BCMCS data, the mobile station receives information field data over the F-PDCH data channel from the serving and neighbor base stations to base the selection of the next base station supporting the BCMCS data for handoff. The information fields include the mac_id value, one of three values to completely specify where to find and listen to the BCMCS data at any identified base station).

Requesting new BCMCS data to the new BS (figure 13, paragraph 0089, during soft handoff and "before the procedure for monitoring the BCMCS data stream, various preparatory signaling must first be effectuated" initiated by the MS),

Establishing a channel with the new BS (paragraph 0092, the mobile monitors the F-PDCCH control channel of the serving and a second base station to select the handoff BS/ sector),

Receiving a BCMCS information from the new BS (paragraph 0092, the mobile monitors the F-PDCCH control channel including information fields of the serving and a second base station to select the handoff BS/ sector),

Receiving the new BCMCS data from the new BS using the BCMCS information (paragraphs 0090 and 0092, the mobile station selects and receives the BCMCS data from the second BS/ sector over the F-PDCH data channel).

Allowable Subject Matter

Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 2, the prior art made of record teaches the discovery and exchanging control signals with the target base station but does not teach transmitting a registration message to the new BS for being provided the BCMCS data by using a new BCMCS controller.

As to claim 3, the prior art made of record does not teach the step of establishing a predetermined path with the PDSN connected to the new BCMCS controller.

Claims 4-13 are allowed. As to claims 4 and 7, the prior art made of record teaches a method for soft handoff in a CDMA system transporting Broadcast/Multicast Service data but does not teach the method determining, by the new BCMCS controller, whether new BCMCS associate information is equal to old BCMCS associate information and receiving the determination result from the new BCMCS controller.

As to claim 11, the prior art made of record teaches an apparatus for soft handoff in a CDMA system transporting Broadcast/ Multicast Service data but does not teach the apparatus comprising at least two BCMCS controllers that are connected to at least one PDSN which transmits packet data service data to the at least one BS for transmitting BCMCS association information for the BCMCS data requested by the MS to the MS over the connected PDSN and containing the BCMCS zone Ids.

Conclusion

Reference the attached PTO-892 document for additional prior art made of record but not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLANE J. JACKSON whose telephone number is

(571)272-7890. The examiner can normally be reached on Monday through Thursday, 8:30 AM-7:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blane J Jackson/
Examiner, Art Unit 2618